

Notice of Allowability

Application No.

09/841,571

Applicant(s)

TSUJIO, SHINJI

Examiner

Callie E. Shosho

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/15/03 and telephonic interview conducted 11/5/03.
2. ☒ The allowed claim(s) is/are 1,4-8 and 10-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/400,628.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No. _____.
- (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
- (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☒ Interview Summary (PTO-413), Paper No. 11/5/03
- 6 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

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Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) In the specification, page 1, insert as line 1 "This application is a continuation of copending application Serial No. 09/400,628, filed September 20, 1999, now U.S. Patent No. 6,306,930, which is incorporated here by reference."

(2) Claim 1, line 6, after "viscometer" and before "(R 14 cone)", delete "3" and insert "3⁰".

(3) Claim 8, line 1, after "claim", delete "1" and insert "5".

2. Authorization for this examiner's amendment was given in a telephone interview with Bradley Geist on 11/5/03.

Statement of Reasons for Allowance

3. The present claims are allowable over the "closest" prior Yoshioka et al. (U.S. 5,621,021) and Uzukiawa et al. (U.S. 5,120,359) for the following reasons:

Yoshioka et al. disclose erasable aqueous ink that contains film-forming resin such as styrene-butadiene and 5-30% colorant having particle diameter in the range of 2-10 μm . It is disclosed that the colorant is a colored resin formed from pigment such as Pigment Black 1, Pigment Green 7, and Pigment Blue 15.

However, Yoshioka et al. disclose that the ink has viscosity of 5-35 mPas which is outside the scope of the present claims which now all require that the ink has viscosity of 500-5000 mPas.

Uzukiawa et al. disclose an erasable aqueous ink suitable for use in ballpoint pens wherein the ink has viscosity of 100-300 mPas measured using an ELD viscometer (3⁰ cone, 0.5 rpm, 20⁰ C) and wherein the ink comprises film-forming resin such as styrene-butadiene and 10-70% colorant such as Pigment Black 1, Pigment Green 2, and Pigment Blue 15.

However, there is no disclosure in Uzukiawa et al. of particle size distribution of the colorant as presently claimed. Further, Uzukiawa et al. disclose the use of inks that have viscosity of approximately 110, 200, and 320 mPas measured using an ELD viscometer at 0.5 rpm, which is outside the scope of the present claims which now all require that the ink has viscosity of 500-5000 mPas.

Thus, it is clear that Yoshioka et al. or Uzukiawa et al., either alone or in combination, do not disclose or suggest the present invention.

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In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
11/5/03